IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14904 of 2007(Y)

PETITIONER:

MR.P.T.GEORGEKUTTY,
AGED 52 YEARS, S/O.P.P.THOMAS,
PLAMMOOTTIL HOUSE, INDUSTRIAL ESTATE NAGAR,
CHENGGANASSERY-681 106, KOTTAYAM DISTRICT.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS:

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1. **GEOLOGIST, DISTRICT OFFICE,**
   DEPARTMENT OF MINING AND GEOLOGY, KOLLAM.

2. **DIRECTOR OF MINING AND GEOLOGY,**
   THIRUVANANTHAPURAM.

3. **THE ADDITIONAL SECRETARY,**
   DEPARTMENT OF INDUSTRIES, GOVERNMENT OF KERALA.

4. **THE DISTRICT COLLECTOR,**
   KOLLAM.

5. **DEPUTY TAHSILDAR (RR),**
   CHANGANASERRY, KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER MRS.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C)No.14904 of 2007

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Dated this the 11th day of May, 2007.

JUDGMENT

Although the petitioner was granted lease for excavation of minerals for a period of five years on an application made by him, by Ext.P2, the lease arrangement was prematurely terminated. It is stated that inspite of the fact that he had the liability to pay only the dues under the lease deed until the same was terminated, Ext.P3 demand notice claiming rent for the whole period of lease was issued by the respondents. According to the petitioner, the demand so made was challenged before the Appellate Authority by filing Ext.P4 appeal and Ext.P5 stay petition was also filed under Rule 49(a) of the Kerala Minor Mineral Concession Rules. It is stated that during the pendency of the appeal and the stay petition before the third respondent, revenue recovery proceedings have been initiated as per Ext.P8 for recovering the amount demanded by Ext.P2. It is in the aforesaid circumstances that this Writ Petition has been filed by the petitioner. Although the petitioner has sought several substantial reliefs, I am not inclined to entertain those prayers at least for the present.

2. In view of the fact that revenue recovery proceedings have been initiated during the pendency of Ext.P5 stay petition, I dispose of this Writ Petition directing the third respondent to consider and pass orders on Ext.P5 stay petition with notice to the petitioner within a period of six weeks from the date of receipt of a copy of this judgment. It is in the meanwhile, the revenue recovery proceedings initiated by Ext.P8 shall be kept in abeyance.

The petitioner is directed to produce a copy of this judgment before the respondent concerned for compliance.

Antony Dominic
Judge.

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